

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA

Case No. 1:16-cr-206-JMS-TAB-01

v.

DEVAN PIERSON

ORDER ON MOTION FOR  
SENTENCE REDUCTION UNDER  
18 U.S.C. § 3582(c)(1)(A)  
(COMPASSIONATE RELEASE)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons for a reduction in sentence under 18 U.S.C. § 3582(c)(1)(A), and after considering the applicable factors provided in 18 U.S.C. § 3553(a) and the applicable policy statements issued by the Sentencing Commission, IT IS ORDERED that the motion is:

☐ DENIED.

☒ DENIED WITHOUT PREJUDICE.

☐ OTHER:

☒ FACTORS CONSIDERED: See attached opinion.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:16-cr-00206-JMS-TAB
	)	
DEVAN PIERSON,	)	-01
	)	
Defendant.	)	

**ORDER**

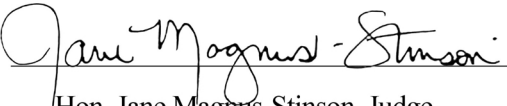
Defendant has filed a motion seeking compassionate release. Dkt. 109. He seeks immediate release from incarceration. He argues that "extraordinary and compelling reasons" support his release within the meaning of 18 U.S.C. § 3582(c)(1)(A)(i) because changes to his statute of conviction mean that he would likely receive a shorter sentence if he were sentenced today. *Id.*

On September 9, 2021, the Court ordered Defendant to show cause why the Court should not deny his motion for compassionate release because his argument was barred by the rationale of *United States v. Thacker*, 4 F.4th 569 (7th Cir. 2021). Dkt. 110. The Court warned Defendant that it would deem his motion abandoned and deny it without prejudice if he failed to respond as required by the Order. *Id.* The deadline for responding to the Court's show-cause Order has now passed. *Id.* As of the writing of this Order, Defendant has not filed the required response.

Accordingly, his motion for compassionate release, dkt. [109], is deemed abandoned and **denied without prejudice**. Nothing in this Order prevents Defendant from filing another motion for compassionate release.

**IT IS SO ORDERED.**

Date: 10/27/2021

  
Hon. Jane Magnus-Stinson, Judge  
United States District Court  
Southern District of Indiana

Distribution:

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